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Howard Hunt awarded \$650,000 in libel trial

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By ALICE KLEMENT *18 Dec 81*
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After less than two hours' deliberation, a Miami federal court jury Thursday awarded a \$650,000 libel judgment to Watergate conspirator E. Howard Hunt.

Hunt

The jury of four men and two women found that Liberty Lobby, a Washington-based lobbying group, published an article linking Hunt to the assassination of President John F. Kennedy with reckless disregard of its truth.

The verdict calls for Liberty Lobby to pay Hunt \$100,000 to compensate for the damage the 1978 article did him, and \$550,000 as punishment for publishing it.

As the verdict was announced, Hunt broke down and sobbed. He struggled to regain his composure, then shook hands with several jurors and hugged his attorney, Ellis Rubin.

After several deep breaths, the 63-year-old Miamian would say only: "It's very appropriate. I'm pleased. This ends a long struggle to regain my name."

But Willis Carto, Liberty Lobby treasurer, termed the verdict

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Hunt sobs, hugs attorney after

verdict

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"preposterous" and said his organization would appeal.

Its attorney, Miles McGrane, called the ruling "unexpected," and said he thought it "very surprising that the jury found actual malice." There are, McGrane said, "ample grounds for any appeal."

James Tucker, managing editor of The Spotlight, the Liberty Lobby's weekly tabloid where the article appeared, said he was "shocked."

"I fail to see how they found any malice whatsoever in what I did," said Tucker.

In a complaint filed in 1979, Hunt sought \$3.5 million from the self-described "patriotic" organization for an article headlined, "CIA to Nail Hunt for Kennedy Killing." In closing arguments, \$3.3 million was mentioned.

The article, written by ex-CIA agent Victor Marchetti, reported that the agency was scheming to depict Hunt as an assassination conspirator before the House Select Committee on Assassinations.

Marchetti wrote that the CIA was planning to treat the congressional probe of the Kennedy murder to a "limited hangout," described as "a favorite and frequently used gimmick" in which "clandestine professionals" admit "some of the truth while still managing to withhold the key and damaging facts in the case."

The CIA, the article reported, "is furious with Hunt for having dragged it publicly into the Nixon mess and for having blackmailed it after he was arrested."

Accordingly, "In the public hearings, the CIA will 'admit' that Hunt was involved in the conspiracy to kill Kennedy."

In a book entitled *Coup d'Etat in America*, Marchetti wrote, photos appeared of "three apparent bums" arrested near the site of Kennedy's shooting after the incident, one of whom the book's authors identified as Hunt.

Noting that Hunt was suing the authors for libel and claimed he was in Washington the day Kennedy was shot, Marchetti wrote: "It turned out, however, that this was not true."

Referring to "an internal CIA memorandum," Marchetti wrote:

"It was dated 1966 and said in essence:

"Some day we will have to explain Hunt's presence in Dallas on Nov. 22, 1963 — the day President Kennedy was killed. Hunt is going to be hard put to explain this memo, and other things, before the TV cameras at the HSCA hearings."

No testimony like that predicted by Marchetti was ever presented to the assassinations committee. Hunt claimed The Spotlight article recklessly linked him to the assassination.

In closing statements Thursday, Rubin portrayed Hunt as "an honorable man" struggling to come back from the Watergate incident.

"He's sick and tired of being a target," Rubin said. "Every time some publicity like this occurs, he goes down and down. He's just trying to work his way up again."

Liberty Lobby attorney McGrane had told the jury he was not out to prove that Hunt was in Dallas the day Kennedy was shot. "He [Hunt] was not involved," McGrane declared.

While admitting that the article might have been "a little bit glaring" and "a little bit blaring," McGrane told the jury:

"The main thrust of the article was to tell readers that the CIA was at it again, and that Hunt was going to be a scapegoat."

In a deposition read at the trial, Spotlight editor Tucker claimed the tabloid did Hunt a favor by publishing the article to expose agency at-

tempts to victimize Hunt, himself a former CIA agent.

"We don't want favors. We want justice," retorted Hunt's attorney, as he attacked such claims as "ludicrous and arrogant."

Because he is a public figure, Hunt had to prove the article was published maliciously. At trial, his attorney presented evidence that The Spotlight's publishers failed to check assertions in the article, refused to make a retraction when requested, and made changes in the manuscript without consulting the author.

Rubin asked the jury for \$300,000 compensatory damages. He

contended that Hunt's income from lectures and book contracts plummeted from \$79,000 in 1977 to \$21,000 in 1979, after the article appeared.

Liberty Lobby may be hard-pressed to pay the \$650,000 total award. Although Rubin claimed the organization reported total 1980 assets of \$9.6 million, defense attorney McGrane placed the group's net worth between \$400,000 and \$500,000.

In a brief closing statement, McGrane asked jurors to read the controversial article carefully. "I can't rant or rave," he said. "I can't come to tears. But please put on

blinders to emotion. There simply is no evidence of actual malice."

Hunt pleaded guilty to wire-tapping and conspiracy charges stemming from the 1972 break-in at the Democratic National Headquarters in Washington. He served 33 months in prison, and was released in 1977.

He currently has a second libel suit pending in Miami federal court. Filed in 1976, the suit attacks the authors of the book *Coup d'Etat in America* — cited by Marchetti in The Spotlight article — for allegedly libeling Hunt by linking him to the 1963 Kennedy assassination.

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